

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PHOENIX INSURANCE COMPANY,

Plaintiff,

-against-

JAMES RIVER INSURANCE COMPANY,

Defendant.

| |
|-----------------------|
| USDC SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 4/30/2024 |

24-CV-00933 (MMG)

ORDER OF DISMISSAL

MARGARET M. GARNETT, United States District Judge:

The Court having been advised that that all claims asserted herein have been settled in principle, Dkt. No. 12, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs (including attorneys' fees) and without prejudice to the right to reopen the action **within 60 days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis.

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court by the deadline to reopen to be "so ordered" by the Court. Unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to CLOSE the case.

Dated: April 30, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge